

Montana Code Annotated - 2007

52-3-201. Short title. This part may be cited as the "Protective Services Act for Aged Persons or Disabled Adults".

History: En. 71-1914 by Sec. 1, Ch. 232, L. 1975; R.C.M. 1947, 71-1914; Sec. , MCA 1989; redes. by Code Commissioner, 1991.

Provided by Montana Legislative Services

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52-3-202. Definitions. As used in this part, the following definitions apply:

- (1) "Aged person" means an aged person as defined by the department.
- (2) "Department" means the department of public health and human services provided for in [2-15-2201](#).
- (3) "Disabled adult" means a person 18 years of age or older who is defined by the department as disabled or who is a person with developmental disabilities, as defined in [53-20-102](#).
- (4) "Protective services" means assistance to an aged person or disabled adult in obtaining the services offered by the department.

History: En. 71-1915 by Sec. 2, Ch. 232, L. 1975; R.C.M. 1947, 71-1915; amd. Sec. 11, Ch. 609, L. 1987; Sec. , MCA 1989; redes. by Code Commissioner, 1991; amd. Sec. 21, Ch. 255, L. 1995; amd. Sec. 1, Ch. 465, L. 1995; amd. Sec. 357, Ch. 546, L. 1995.

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52-3-203. Purpose. To ensure that aged persons or disabled adults in the state be afforded the opportunity to receive protective services and to implement certain provisions of the federal government's Title XX, Social Services Amendments of 1972, this legislature declares the department to be recognized as the public agency responsible for providing those services.

History: En. 71-1916 by Sec. 3, Ch. 232, L. 1975; R.C.M. 1947, 71-1916; Sec. , MCA 1989; redes. by Code Commissioner, 1991.

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52-3-204. Duties of department. The department shall be responsible for acting on requests for protective services from aged persons or disabled adults or from relatives, friends, or other reputable persons requesting those services on behalf of an aged person or disabled adult.

History: En. 71-1917 by Sec. 4, Ch. 232, L. 1975; R.C.M. 1947, 71-1917; Sec. , MCA 1989; redes. by Code Commissioner, 1991.

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52-3-205. Departmental authority. The department may implement a program for protective services by establishing appropriate rules which are not inconsistent with the department's activities.

History: En. 71-1918 by Sec. 5, Ch. 232, L. 1975; R.C.M. 1947, 71-1918; Sec. , MCA 1989; redes. by Code Commissioner, 1991.

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52-3-206. Annual reports. The department shall make annual reports on the number of people served by this part and the type of protective services made available to the aged persons and disabled adults of Montana.

History: En. 71-1919 by Sec. 6, Ch. 232, L. 1975; R.C.M. 1947, 71-1919; Sec. , MCA 1989; redes. by Code Commissioner, 1991.

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52-3-207. Protective services not creating guardianship or conservatorship. (1) The provision of protective services does not create a guardianship or conservatorship relationship between the department and the aged person or disabled adult unless a guardianship or conservatorship is created in accordance with the requirements of Title 72, chapter 5, part 3 or 4.

(2) The department may not provide protective services that impose a legal limitation or restriction on an aged person or a disabled adult:

(a) except emergency protective services provided under [52-3-804](#); or

(b) unless the department has been appointed legal guardian or conservator for that person under the provisions of Title 72, chapter 5, part 3 or 4.

History: En. Sec. 7, Ch. 343, L. 1981; Sec. , MCA 1989; redes. by Code Commissioner, 1991; amd. Sec. 2, Ch. 465, L. 1995.